



MICHIGAN SUPREME COURT  
State Court Administrative Office

**COMMUNITY DISPUTE  
RESOLUTION PROGRAM**

**ANNUAL REPORT 2010**



## Solving Problems Brought to Court

Increasingly, businesses, government agencies, and the public are aware that few cases filed in court actually go to trial. In Michigan, approximately only two percent of all civil matters filed result in a trial. This means that of the cases not resolved by summary disposition motions or default judgments, the vast majority are resolved by parties' settling their dispute "out of court."

With the Community Dispute Resolution Program (CDRP), Michigan citizens have at hand a ready means of trying to work out disputes with other parties. Mediation is an alternative to the traditional adversarial approach to dispute resolution in the courts. Mediation is a process in which a trained, neutral person helps disputing parties reach a mutually satisfactory resolution. In mediation, solutions are created by the parties, as opposed to litigation, where the resolution of a conflict is imposed on parties by a judge. CDRP mediators are volunteers who have completed both a 40-hour training program approved by the State Court Administrative Office (SCAO) and a supervised internship. Mediators in domestic relations, guardianship, child welfare, and special education disputes have had additional advanced training as well.

CDRP centers are nonprofit, volunteer-based organizations that receive grant funding from SCAO. In 2010, SCAO distributed approximately \$1.88 million to the 20 centers to support their work; grant awards per center ranged from \$19,311 to \$321,789.

## Program Performance

Centers disposed of 14,656 cases in 2010, and court referrals constituted 81 percent of all cases. The centers completely or partially resolved 7,070 cases, and provided meeting facilitation services in an additional 527 matters. Based on random surveys conducted on cases that were conciliated or mediated with agreement, the agreements reached were upheld or partially upheld 87.3 percent of the time. This is an increase of almost three percent over last year.

A resolution rate of 66 percent was realized when all parties agreed to use a center's services. This was

### 2010 At A Glance

Number of centers .....	20
Range of grant awards.....	\$19,311–\$321,789
Individuals involved in cases.....	34,267
Number of resolutions.....	7,070
Average days to disposition .....	22
Average duration of mediation (hours) .....	1.5
Resolution rate .....	66%
Average amount agreed to per case .....	\$2,507
Value of volunteer contribution .....	\$2,481,302

achieved either through the formal mediation process, or informally through correspondence or telephone conversation. The combined financial settlements of cases presenting economic issues were \$8,701,757.21. The average financial settlement per case was \$2,507.

Mediation results in the quick resolution of matters. For example, on average, a case was disposed within 22 days of intake and the average mediation session lasted about one and one-half hours.

Contract, landlord-tenant, and domestic relations matters comprised nearly 68.5 percent of the 14,656 cases disposed in 2010.

## Volunteer Contributions

Volunteers serve as mediators, trainers, outreach workers, administrators, workshop facilitators, and office assistants at many centers. A total of 19,185 hours of service were contributed by volunteers in 2010. In market value equivalents, this represents a contribution of \$2,481,302. Centers also receive a number of donated goods and services such as rent, photocopying services, accounting services, and purchase discounts. The market value of these goods and services totaled \$188,715. Considered together, for every dollar invested by grant awards, an additional \$1.42 of in-kind services was generated.

## Evaluation and Court Rules Update

In 2010, the Office of Dispute Resolution managed several initiatives related to updating mediation court rules and professional standards of conduct for mediators. SCAO's Mediation

Confidentiality and Standards of Conduct Committee recommended that the Michigan Supreme Court adopt a new court rule to consolidate the mediation confidentiality provisions of MCR 2.411 and MCR 3.216. That committee also proposed, and the Michigan Supreme Court adopted, expanded exceptions to mediation confidentiality, chiefly following the Uniform Mediation Act. The web address of this report, and all proposals and reports in the following paragraphs, are listed on page 8.

A subcommittee recommended comprehensive amendments to Michigan's current Standards of Conduct for Mediators, and these appear in a Proposal for Revising Michigan's Standards of Conduct for Mediators, which incorporates ethical standards adopted by the American Bar Association, American Arbitration Association, and Association for Conflict Resolution. In 2011, SCAO will convene a committee to study these recommendations and to propose revisions to Michigan's current mediation standards of conduct.

SCAO's Statewide Mediator Roster Committee proposed a new court rule that would consolidate the mediator qualification and roster assignment provisions of MCR 2.411 and MCR 3.216. The committee also recommended that SCAO manage mediator rosters except for courts that elect to

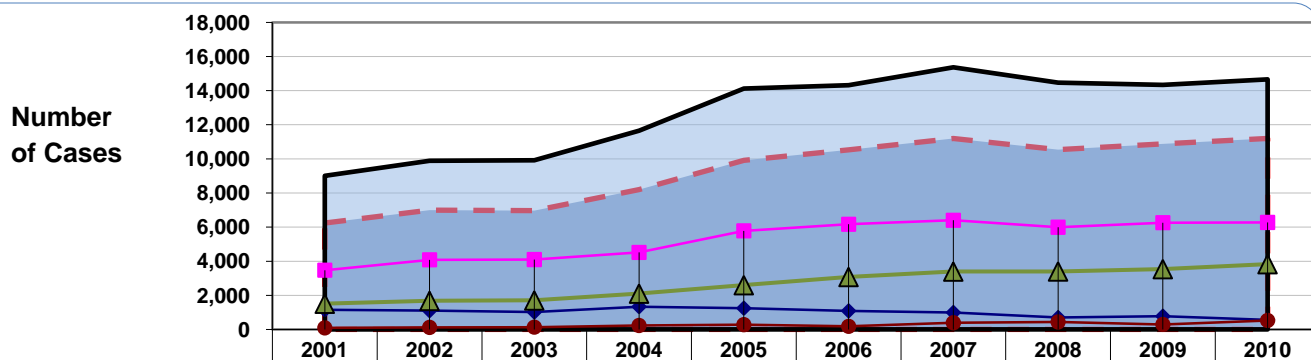
maintain their own mediator rosters. In late 2010, courts were surveyed regarding their interest in relinquishing mediator roster management in favor of state level roster management. In 2011, SCAO will assess the feasibility of taking on this function.

The Michigan Supreme Court has also directed the SCAO to study the efficacy of case evaluation practice. Designed in 2010, the study's methodology includes a caseload analysis of six circuit courts, an online attorney survey, a judicial survey, and focus groups. The study will be conducted in early 2011, with a report expected in late-2011.

An additional study, completed in late 2010, examined the effect of courts' referring cases evaluated under \$25,000 to three CDRP centers. The study found that between cases settled prior to, at, or immediately following mediation, 73 percent of the referred cases were disposed. The web address of the report can be found on page 8.

The SCAO also continued promoting mediators' awareness of diversity considerations at community mediation centers. This effort began with a national review of diversity training practices in 2009, and led to SCAO's sponsoring a model training program attended by mediators from five community mediation centers in 2010.

## CDRP Statewide Trend



Total Core	6,235	6,991	6,963	8,196	9,909	10,525	11,191	10,537	10,875	11,193
Total Disposed	9,003	9,884	9,914	11,647	14,116	14,314	15,363	14,464	14,332	14,656
Conciliation	1,153	1,103	1,021	1,336	1,247	1,090	996	700	780	561
Mediation	3,472	4,084	4,100	4,517	5,779	6,169	6,401	5,993	6,259	6,273
Mediation w/o Agreement	1,517	1,683	1,708	2,107	2,602	3,081	3,399	3,403	3,541	3,831
Facilitated/Arbitrated	93	121	134	236	281	185	395	441	295	528

Total Core Total Disposed Conciliation Mediation Mediation w/o Agreement Facilitated/Arbitrated



## Community Dispute Centers

The following centers provide conciliation, mediation, and other forms of dispute resolution pursuant to 1988 PA 260, the Community Dispute Resolution Act.

### **BERRIEN, Branch, Cass, St. Joseph, Van Buren**

Citizens Mediation Service, Inc.  
811 Ship Street, Suite 205  
St. Joseph, Michigan 49085  
Phone (269) 982-7898  
Fax (269) 982-7899  
matt\_balfe@citizensmediation.org  
www.citizensmediation.org  
Contact Matthew Balfe

### **CHARLEVOIX, Emmet**

Citizen Dispute Resolution Service, Inc.  
Northern Community Mediation  
415 State Street  
Petoskey, Michigan 49770  
Phone (231) 487-1771  
Fax (231) 487-1770  
jane@northernmediation.org  
Contact Jane Millar

### **CHIPPEWA, Luce, Mackinac**

Eastern UP Dispute Resolution Center, Inc.  
P.O. Box 505  
Sault Ste Marie, Michigan 49783  
Phone (906) 253-9841  
Fax (906) 253-9844  
cdrc@northernmi.net  
www.eupmediate.com  
Contact Gerry Stelmaszek

### **DELTA, Menominee, Schoolcraft**

Resolution Services Program  
UPCAP Services, Inc.  
P.O. Box 606  
Escanaba, Michigan 49829  
Phone (906) 789-9580  
Fax (906) 786-5853  
gocc@upcap.org  
www.upcap.org  
Contact Cheryl Goc

### **GENESEE, Arenac, Bay, Clare,**

**Gladwin, Midland, Ogemaw, Roscommon, Saginaw**  
Community Resolution Center  
315 East Court Street, Suite 200  
Flint, Michigan 48502  
Phone (810) 249-2619  
Fax (810) 239-9545  
JOdell@mediation-CRC.org  
www.mediation-crc.org/  
Contact Jane O'Dell

### **GOGEBIC, Baraga, Dickinson, Houghton, Iron, Keweenaw, Ontonagon**

Western UP Mediators  
PO Box 327, 100 W. Cloverland Dr, Ste 2-3  
Ironwood, Michigan 49938  
Phone (906) 932-0010  
Fax (906) 932-0033  
mediator@up.net  
Contact Marvin LaGrew

### **GRAND TRAVERSE, Antrim, Benzie, Leelanau, Missaukee, Wexford**

Conflict Resolution Services, Inc.  
852 South Garfield Avenue, Suite B  
Traverse City, Michigan 49686  
Phone (231) 941-5835  
Fax (231) 941-4530  
conflictresolutionsservices@hotmail.com  
www.CRSmediationTC.org.  
Contact Jennifer Kowal

### **INGHAM, Clinton, Eaton, Gratiot, Ionia, Shiawassee**

Resolution Services Center of Central Michigan  
229 North Pine Street  
Lansing, Michigan 48933  
Phone (517) 485-2274  
Fax (517) 485-1183  
fourhglover@tds.net  
www.rscem.org  
Contact Linda Glover

### **JACKSON, Hillsdale, Lenawee, Monroe**

Southeastern Dispute Resolution Services  
Community Action Agency  
511 South Jackson Street  
Jackson, Michigan 49201  
Phone (517) 788-6495  
Fax (517) 788-6398  
mstanley@caajlh.org  
Contact Marc Stanley

### **KALAMAZOO, Barry, Calhoun**

Dispute Resolution Services  
Gryphon Place  
1104 South Westnedge Avenue  
Kalamazoo, Michigan 49008  
Phone (269) 552-3434  
Fax (269) 381-0935  
drsmediate@hotmail.com  
www.gryphon.org  
Contact Barry Burnside

### **KENT, Isabella, Lake, Mecosta, Montcalm, Newaygo, Osceola**

Dispute Resolution Center of West Michigan  
Community Reconciliation Center  
678 Front Avenue, NW, Suite 250  
Grand Rapids, Michigan 49504  
Phone (616) 774-0121  
Fax (616) 774-0323  
jwilmot@drcwm.org  
www.drcwm.org  
Contact Jonathan Wilmot

### **MACOMB, St. Clair**

The Resolution Center  
176 S. Main Street, Suite 2  
Mt. Clemens, Michigan 48043  
Phone (586) 469-4714  
Fax (586) 469-0078

### **MACOMB, St. Clair (continued)**

cpappas@theresolutioncenter.com  
www.theresolutioncenter.com  
Contact Craig R. Pappas

### **MARQUETTE, Alger**

Marquette-Alger Resolution Service  
715 W. Washington Street, Suite A  
Marquette, MI 49855  
Phone (906) 226-8600  
Fax (906) 226-5399  
marsmediation@yahoo.com  
www.marsmediation.org  
Contact Jennifer Frazier

### **MUSKEGON, Manistee, Mason, Oceana**

Westshore Dispute Resolution Center  
27 East Clay Avenue  
Muskegon, Michigan 49442  
Phone (231) 727-6001  
Fax (231) 727-6011  
wdrc@mediatewestmichigan.com  
www.mediatewestmichigan.com  
Contact Kate Kesteloot Scarbrough

### **OAKLAND**

Oakland Mediation Center, Inc.  
550 Hulet Drive, Suite 102  
Bloomfield Hills, Michigan 48302  
Phone (248) 338-4280  
Fax (248) 338-0480  
bhanes@mediation-omc.org  
www.mediation-omc.org  
Contact Bonnie Hanes

### **OTSEGO, Alcona, Alpena, Cheboygan, Crawford, Iosco, Kalkaska,**

**Montmorency, Oscoda, Presque Isle**  
Community Mediation Services  
Otsego County  
United Way Building  
116 5th Street  
Gaylord, Michigan 49735  
Phone (989) 732-1576, (989) 705-1227  
Fax (989) 705-1337  
annette.cms@frontier.com  
www.otsego.org/cms  
Contact Annette Wells

### **OTTAWA, Allegan**

Mediation Services  
Center for Dispute Resolution  
Courthouse Square  
68 West 8th Street, Suite 140  
Holland, Michigan 49423  
Phone (616) 399-1600  
Fax (616) 399-1090  
corriveau@mediationsolvesconflicts.org  
www.mediationsolvesconflicts.org  
Contact Connie Corriveau

**TUSCOLA, Huron, Lapeer, Sanilac**

Center for Dispute Resolution  
Human Development Commission  
429 Montague Avenue  
Caro, Michigan 48723-1997  
Phone (989) 672-4044  
Fax (989) 673-2031  
peggyd@hdc-caro.org  
Contact Peggy Davy

**WASHTENAW, Livingston**

Dispute Resolution Centers of Mich, Inc.  
The Dispute Resolution Center  
(110 N. Fourth Avenue, Suite 100)  
P.O. Box 8645  
Ann Arbor, Michigan 48107-8645  
Phone (734) 222-3745  
Fax (734) 222-3760  
dulinb@ewashtenaw.org  
www.thedisputeresolutioncenter.org  
Contact Belinda Dulin

**WAYNE**

Wayne Mediation Center  
Garrison Place  
19855 W. Outer Drive, Suite 206 – East  
Bldg.  
Dearborn, Michigan 48124  
Phone (313) 561-3500  
Fax (313) 561-3600  
bdempsey@mediation-wayne.org  
www.mediation-wayne.org  
Contact Bernard Dempsey

**Types of Court Cases Mediated**

<b>CIRCUIT COURT CASE TYPE</b>	<b>GOAL</b>	<b>EXAMPLE/EVIDENCE</b>
General civil claims case-evaluated at less than \$25,000	Shorter case disposition times; fewer post-judgment activities; higher user satisfaction rates; improved access to justice	A 2010-11 SCAO study of cases ordered to CDRP centers following case evaluation awards under \$25,000 showed that 67 percent of the cases were disposed prior to or at mediation. An additional 6 percent were disposed after mediation with no subsequent court events taking place. Mediated cases disposed on average 203 days earlier than cases not mediated.
Family division: divorce	Reduce contested pre- and post-judgment motions; introduce collaborative problem-solving at the earliest possible moment	This new service, developed with the support of the Michigan State Bar Foundation, has resulted in centers' managing more than 300 divorce actions in the last year.
Family division: limited issue pre- and post-judgment domestic relations matters	Improved parenting time circumstances; increased rates of child support payments; reduced number of contested hearings; improved communications between parties	In Michigan, 12 CDRP centers managed 570 cases related to parenting disputes <u>and</u> developing parenting plans and visitation agreements. Of these cases, 541 cases were referred by Friends of the Court in 2010. Agreements were reached in 72.3 percent of the cases in which mediation was attempted.
Family division: truancy	Increased school attendance, decreased expulsion rates	Mediation with all interested parties results in plans that keep children in school.
<b>DISTRICT COURT CASE TYPE</b>	<b>GOAL</b>	<b>EXAMPLE/EVIDENCE</b>
General civil claims	Shorter case disposition times; fewer post-judgment activities; higher user satisfaction	A 2010-11 SCAO study of cases ordered to CDRP centers following case evaluation awards under \$25,000 showed that 67 percent of the cases were disposed prior to or at mediation. An additional 6 percent were disposed after mediation with no subsequent court events taking place. By analogy to the jurisdiction of district court cases, CDRP centers should be able to achieve similar disposition rates in district court cases.
Landlord/tenant cases	Eviction prevention; improved housing relations	Almost 1,600 cases managed by CDRP centers in 2010 involved landlord/tenant issues.
Small claims division	Party-stipulated agreements; fewer post-judgment collection cases; higher user satisfaction	A 2004 Michigan State University study found higher collection rates by plaintiffs and quicker payment times in judgments reached through mediation than through traditional litigation. Please see page 8 for the web address of this report.
<b>PROBATE COURT CASE TYPE</b>	<b>GOAL</b>	<b>EXAMPLE/EVIDENCE</b>
Guardianship	Shorter case disposition times; fewer contested hearings; higher user satisfaction	CDRP centers managed 172 cases involving adult or child guardianship in 2010.
Conservatorship and trusts	Shorter case disposition times; fewer contested hearings; higher user satisfaction	Persons challenging the accountings of conservators and trustees can meet in mediation to have financial matters explained.
Testamentary matters	Reduce the number of contested wills; repair family relationships	Mediators help resolve contested matters between personal representative, family members, and beneficiaries, etc.

## School Conflict Management Services

Not all services are available at every CDRP center. Please contact a center to learn about locally available services.

	GOAL	EXAMPLE	PROCESS AND OUTCOME
<b>RESTORATIVE PRACTICES</b>	Reducing suspensions and expulsions	One girl accused another of posting comments on the Internet slandering her character, and accusing her of stealing her boyfriend. Through mediation, the girls resolved to remove the Internet postings and discontinue slanderous comments to friends about each other.	<b>Process:</b> Adults facilitate meetings between everyone affected by at risk student behavior or conflicts. <b>Outcomes:</b> Suspensions avoided, expulsions, assaults, and discipline referrals reduced. Improved school climate.
<b>PEER MEDIATION</b>	Effectively managing minor conflicts between students	Several boys of different ethnic backgrounds were routinely seen threatening each other on school grounds, although no assaults had been committed. Student mediators were able to help the boys identify the cultural differences in their speaking with each other and to help find a way to resolve differences in the future.	<b>Process:</b> Student mediators meet with the students in conflict and help them find a solution to the problem and determine how they will manage any conflicts in the future. <b>Outcomes:</b> Reduction in escalation of conflict that may lead to suspension or expulsion, less adult intervention in minor conflicts, less aggressive behavior, and reduction in expulsions, assaults, discipline referrals. Improved school climate.
<b>TRUANCY PREVENTION MEDIATION AND RESTORATIVE CONFERENCING</b>	Reducing truancy	Through the mediation process at school, parents and a 5th grader were able to uncover the true reasons for the student's absences and develop a plan to connect the family to resources that would ensure the student's attendance.	<b>Process:</b> Adults mediate between the student, parents/guardians and the school. A prosecutor and/or truancy officer may also participate. <b>Outcomes:</b> Increases the number of in school days, reduces the likelihood of dropouts, reduces classroom disruption, increases parental involvement.
<b>BULLYING PREVENTION</b>	Reducing incidences of bullying	One boy has repeatedly called another boy, who has a hard time defending himself, derogatory names. A fellow student has told the boy to stop and has told his teacher. The teacher has implemented consequences, met separately with the boys, and is increasing their supervision.	<b>Process:</b> Bullying behavior is addressed through school rules and procedures, staff training, student classroom meetings, individual interventions, and parent and community involvement. <b>Outcomes:</b> Reduces existing bullying behavior, prevents the development of new bullying behavior, improves peer relations at school.
<b>MICHIGAN SPECIAL EDUCATION MEDIATION PROGRAM (MSEMP)</b>	Reducing the contentiousness of IEP meetings and reducing the number of hearings	Parents of a child with Asperger's syndrome felt that their child should have services supported by an out of state provider. Parties agreed to a specialized curriculum provided at the local ISD and a full time teaching assistant.	<b>Process:</b> Mediators who have had advanced training in special education issues help parents, teachers, special education directors, and other interested parties reach mutually agreed upon solutions. <b>Outcomes:</b> Results in better management of IEP meetings and collaboratively derived service agreements; reduces the number of contested hearings.



## Parenting Time Mediation Program

Federal Access and Visitation funds supported the work of volunteer mediators at 12 CDRP centers to help parties solve problems related to parenting time and visitation disputes. The volunteers have completed either the SCAO approved 44-hour domestic relations training program or the 40-hour basic training program and internship, followed by a two day training focused on FOC processes, family dynamics, and domestic violence screening. The primary goal of this service is to resolve conflicts that create obstacles to the noncustodial parent having access to his or her child(ren).

### COMMUNITY DISPUTE RESOLUTION PROGRAM (CDRP) CENTERS

Cases Accepted	549
Cases Disposed	570

### Case Outcomes

Conciliated	2
Mediated w/ Agreement	268
Mediated w/ Partial Agreement	4
Mediated w/o Agreement	104
Facilitated	0
Settled Prior to Mediation	31
All Other	161

### Source of Case Referrals

Court	541
Self	22
Other	7

### When Mediation Is Attempted:

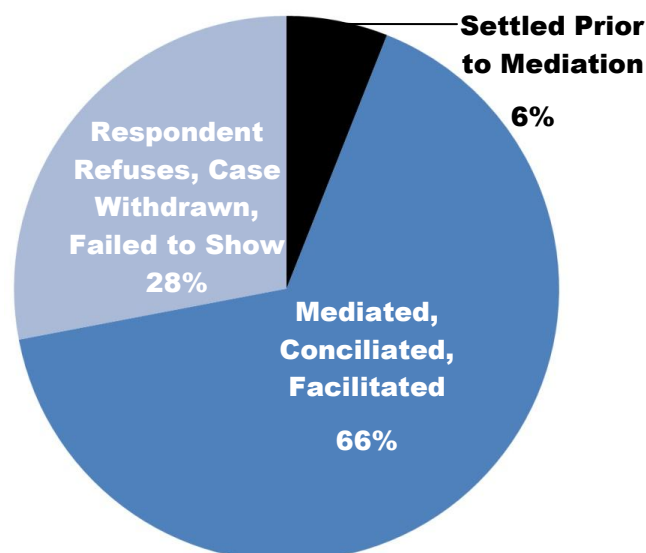
72% are mediated with agreement  
28% are mediated without agreement

### Clients

Number of Children	713
Number of Parents	752
Service Costs	\$25,950
Number of Centers	12

Average number of days to disposition	22.3
Average mediation duration in hours	2

### Closed Case Outcomes



### Community Dispute Resolution Program Parenting Time Mediation Program Comparison

	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10
Mediated to Agreement*	183	308	346	275	274
Mediated Without Agreement	70	104	116	100	104
Number of Cases Accepted	410	628	653	552	549
Number of Cases Disposed	378	647	695	559	570
Number of Prejudgment Cases	103	92	117	102	116
Average Case Duration (hours)	2	2	2	1.9	2

\*includes Partial Agreement, Conciliation, Facilitation

The access and visitation program expenses for 2009-10 totaled \$315,353. Federal funding contributed \$283,818 or 90% of the program expenses and the remaining balance of \$31,535 or 10% was financed by non-governmental sources.

## Supervised Parenting Time and Neutral Drop Off Services

Federal Access and Visitation funds were contracted to Friend of the Court (FOC) offices to support services to ensure that children in high conflict cases have an opportunity to spend time with their noncustodial parent. Supervised parenting time involves a neutral third party who is present and observes or manages the interaction between the child and the noncustodial parent during parenting time sessions. The neutral drop off and exchange program involves the services of a neutral party who is simply present during the transfer of children at a neutral and safe location.

### CIRCUIT COURT (FOC) AND LOCAL SERVICE PROVIDERS

#### Clients

Number of Children	993
Number of Parents	838

### Case Outcomes (number of events)

Supervised Parenting Time	3,501	Service Costs	\$183,923
Neutral Drop Off and Exchange	2,344	Number of Courts	24

FOC offices typically subcontract with local professional organizations to provide these services. Many families require multiple services, and more than one instance of each service. During the period funded, this resulted in, on average, seven service activities per parent.

Contractual payments to FOC offices range from \$1,300 to \$79,185. The funding process is annually reviewed in consultation with the Friend of the Court Association and the SCAO's Friend of the Court Bureau.

SCAO gratefully acknowledges the assistance of the Michigan Department of Human Services in administering the Access and Visitation grant received from the federal Office of Child Support.

## Web Address Listings of Reports

### SCAO's Mediation Confidentiality and Standards of Conduct Committee

<http://courts.mi.gov/scao/resources/publications/reports/ODR-MediationConfidentialityReport.pdf>

### Proposal for Revising Michigan's Standards of Conduct for Mediators

<http://courts.mi.gov/scao/resources/publications/reports/ODR-ProposalforRevisingMSCM.pdf>

### SCAO's Statewide Mediator Roster Committee

<http://courts.mi.gov/scao/resources/publications/reports/StatewideMediatorRosterJuly2010.pdf>

### Mediation After Case Evaluation

<http://courts.mi.gov/scao/resources/publications/reports/Mediation-After-Case-Evaluation.pdf>

### Community Dispute Resolution Program

<http://courts.michigan.gov/scao/dispute/odr.htm>

### District Court, Small Claims Division Mediation in Michigan: Comparing Collection Rates in Adjudicated & Mediated Cases

<http://courts.mi.gov/scao/resources/publications/reports/SmallClaimsEvalFinalReport.pdf>

## Contact a Local Mediation Center

Local CDRP centers can be contacted by calling **1-800-8RESOLVE (1-800-873-7658)**. Additional CDRP information, including statistical supplements, public education materials, and downloadable brochures, can be found on SCAO's website at: <http://courts.michigan.gov/scao/dispute/index.htm>.



#### PRODUCED BY:

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